

REMARKS

Claims 1-9 are currently pending and stand rejected.

A number of clerical amendments are presented to Claims 1, 3 and 7. The Applicant respectfully submits that no new matter has been presented as a result of these clerical amendments.

Additionally, an amendment to Claim 1 is presented herein so as to delete a number of features from the claim. Accordingly, the Applicant respectfully submits that no new matter has been presented as a result of this amendment to Claim 1.

Claims 10 and 11 are newly presented herein. The Applicant respectfully submits that no new matter is presented as a result of new Claims 10 and 11. Indeed, the Applicant respectfully submits that support for new Claims 10 and 11 may be found at least in Claim 1, as originally presented, and at page 7, lines 9-15, page 7, line 21 – page 8, line 9, page 10, lines 5-28 and page 11, lines 10-24, of the pending application.

CLAIM REJECTIONS – 35 U.S.C. § 112

The Office Action rejects Claim 1 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement in view of the features:

wherein the operating system limits sending said commands to the removable storage device, said commands include a device control operation command corresponding to an operation that the operating system limits the removable storage device from performing

The Applicant respectfully points out that these features are not recited in Claim 1, as amended. Accordingly, the Applicant respectfully submits that the rejection of Claim 1, pursuant to 35 U.S.C. § 112, paragraph 1, is moot.

For at least the foregoing rationale, the Applicant respectfully submits that Claim 1 is in compliance with 35 U.S.C. § 112, paragraph 1. As such, withdrawal of the rejection of Claim 1 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1-7

The Office Action states that Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Niiyama et al. (US 5,400,389; hereinafter “Niiyama”) in view of Ritter (US 6,859,650), and in further view of Nishimura (US 6,934,537). The Applicant has reviewed the cited art and respectfully submits that the embodiments as recited in Claims 1-7, are patentable over Niiyama in view of Ritter, and in further view of Nishimura, for at least the following rationale.

Independent Claim 1, and similarly new independent Claims 10 and 11, recite the features (emphasis added):

A method for sending commands and/or data to a removable storage device, comprising configuration of an application running in an operating system, said removable storage device being connected with said operating system via a universal interface and said application being used to send the commands and/or data to the removable storage device, the method further comprising:

...
5) said removable storage device performing a corresponding operation according to the commands and/or data, and sending to said application an operation result via the operating system.

The Applicant does not find Niiyama, alone or in combination with Ritter and/or Nishimura, to teach or suggest the embodiment recited in Claim 1.

To illustrate, the Applicant finds Niiyama to teach:

Referring to FIG. 2, the control unit 20 is provided with a CPU (Central processing Unit) 201, a flash memory 202, a RAM (Random Access Memory) 203, an EEPROM (Electrically Erasable Programable ROM) 204, an address decoder 205, a parallel-to-serial converter 206, a serial-to-parallel converter 207, an input port 208 and an output register 209 all of which are connected to each other by a data bus.

Id., column 3, lines 61-68 (emphasis added). The Applicant also finds Niiyama to teach:

When the writing of the data in the flash memory 202 is completed, the CPU 201 outputs the acknowledgement signal (ACK).

Id., column 8, lines 52-55 (emphasis added).

Assuming arguendo that “flash memory 202”, as taught by Niiyama, is analogous to a “storage device”, as claimed, the Applicant nevertheless does not find “the CPU”

201 outputs the acknowledgement signal”, as taught by Niiyama (emphasis added), to teach, or even suggest:

5) said ... storage device ... sending to said application an operation result via the operating system[,]

as claimed (emphasis added), at least because the Applicant does not find “CPU 201”, as taught by Niiyama, to be analogous to a “storage device”, as claimed.

Thus, as stated above, the Applicant finds Niiyama to teach:

When the writing of the data in the flash memory 202 is completed, the CPU 201 outputs the acknowledgement signal (ACK).

Id., column 8, lines 52-55. Additionally, the Applicant finds Niiyama to teach:

The operation program is stored in an predetermined area (e.g. addresses 00000_H through F0000_H) of the flash memory 202. A program used for rewriting the operation program stored in the flash memory 202 is stored in another area (e.g. addresses F000_H through FFFF_H) of the flash memory 202. The program used for rewriting the operation program is often referred to as a debugging tool.

Id., column 4, lines 6-14 (emphasis added).

Assuming arguendo that a “debugging tool”, as taught by Niiyama, is analogous to an “application being used to send the commands and/or data to the ... storage device”, as claimed (emphasis added), the Applicant nevertheless does not find Niiyama to teach, or even suggest:

sending to said application an operation result via the operating system[,]

as claimed (emphasis added), at least because the Applicant does not find Niiyama to teach or suggest that the “acknowledgement signal” in Niiyama is sent to the “debugging tool”.

Furthermore, it is noted that the Applicant has reviewed both Ritter and Nishimura and does not find either Ritter or Nishimura to overcome the shortcomings of Niiyama, as discussed herein.

For at least the foregoing rationale, the Applicant does not find Niiyama, alone or in combination with Ritter and/or Nishimura, to teach or suggest the embodiments recited in independent Claims 1, 10 and 11. As such, the Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 103(a) be withdrawn, and that Claims 1, 10 and 11 be allowed.

With respect to Claims 2-7, the Applicant respectfully points out that Claims 2-7 depend from allowable independent Claim 1, and recite further features. Therefore, the Applicant respectfully submits that Claims 2-7 overcome the rejection under 35 U.S.C. § 103(a), and that Claims 2-7 are thus in a condition for allowance as being dependent on an allowable base claim. As such, the Applicant respectfully requests that the rejections of Claims 2-7 under 35 U.S.C. § 103(a) be withdrawn, and that Claims 2-7 be allowed.

Claims 8 and 9

The Office Action states that Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Niiyama, and in further view of Ritter, and in further view of Nishimura, and in further view of Terho et al. (US 5,884,103; hereinafter "Terho"). The Applicant has reviewed the cited art and respectfully submits that the

embodiments as recited in Claims 8 and 9 are patentable over Niiyama in view of Ritter, and in further view of Nishimura, and in further view of Terho, for at least the following rationale.

Claims 8 and 9 are dependent on independent Claim 1, and include the features of Claim 1. Hence, by demonstrating that Niiyama in view of Ritter, and in further view of Nishimura, and in further view of Terho, does not teach or suggest the features of independent Claim 1, it is also demonstrated that Niiyama in view of Ritter, and in further view of Nishimura, and in further view of Terho, does not teach or suggest the embodiments of Claims 8 and 9.

The Applicant respectfully submits that Niiyama, alone or in combination with Ritter, Nishimura and/or Terho, fails to teach or suggest the embodiments recited in independent Claim 1. In particular, the Applicant does not find Terho to overcome the shortcomings of Niiyama, as discussed *supra*.

In particular, the Applicant finds Terno to teach a “[d]ata terminal with adapter for selectively modifying data transmitted to and from”. See title of Terno. However, the Applicant does not find the “[d]ata terminal with adapter for selectively modifying data transmitted to and from”, as taught by Terno, to teach or suggest the claim features at issue (see discussion of Niiyama, *supra*).

For at least the foregoing rationale, the Applicant respectfully submits that Claim 1 is patentable over Niiyama in view of Ritter, and in further view of Nishimura, and in further view of Terho, under 35 U.S.C. § 103(a).

With respect to Claims 8 and 9, the Applicant respectfully points out that Claims 8 and 9 depend from allowable independent Claim 1, and recite further features. Therefore, the Applicant respectfully submits that Claims 8 and 9 overcome the rejections under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance as being dependent on an allowable base claim. As such, the Applicant respectfully requests that the rejections of Claims 8 and 9 under 35 U.S.C. § 103(a) be withdrawn, and that Claims 8 and 9 be allowed.

PATENTABILITY OF NEW CLAIM 11

The Applicant respectfully submits that new Claim 11 is patentable over the cited art for at least the reasons presented above. However, for thoroughness of reasoning, the Applicant has instructed the Applicant's undersigned representative to submit the following as an additional rationale supporting the patentability of new Claim 11 over the cited art.

New Claim 11 recites (emphasis added):

A method for a non-administrative user sending commands and/or data restricted to an administrative user along with standard data to a mobile storage device, comprising configuration of an application running in an operating system, said mobile storage device being connected with said operating system via a universal interface, and said application being used to send the commands

and/or data and the standard data to the mobile storage device, the method further comprising:

1) said application setting an identification mark for the commands and/or data, said identification mark and the commands and/or data forming a data packet, wherein said standard data is lacking said identification mark;

2) said application sending to the mobile storage device through the operating system the standard data and sending to the mobile storage device through the operating system the data packet together with a write command according to the standard write command format provided by the operating system;

3) said mobile storage device receiving from the operating system the write command and the data packet and the standard data;

4) said mobile storage device interpreting and obtaining the commands and/or data in the data packet based on the identification mark;

5) said mobile storage device performing a corresponding operation according to the commands and/or data in accordance with a mode predefined by the mobile storage device, and sending to said application an operation result via the operating system

The Applicant does not find Niiyama to teach or suggest these features.

Additionally, the Applicant does not find Niiyama to teach or suggest:

6) said mobile storage device either rejecting the standard data or disposing of the standard data in accordance with the standard data write command format.

as recited in new Claim 11, such as for data not containing the SCSI identifier as user defined.

In particular, the Applicant does not find the embodiment of Claim 11 to be taught, or even suggested, by any one of the cited references, or by the combination thereof. First, the Applicant finds Niiyama and Ritter to relate to a portable remote terminal, such as a portable telephone, and Terho to relate to a device for transmitting and receiving data through a mobile station network. However, as described in the specification of the pending application, the present technology relates to a method for

sending commands and/or data from an operating system to a mobile (or movable) storage device. In an embodiment, the data from the operating system is interpreted by firmware in the mobile device. The terminology “mobile storage device” in the pending application does not necessarily refer to a mobile phone and the like, but may refer to a “removable” or “movable” storage device, which may be, for example, an electronic flash memory external storage device, removable hard disk, MO disk, ZIP disk, and the like, connected to the host system (e.g., computer) with, for example, a USB or IEEE1394 interface, and the user can send the operation commands and/or data to switch different operation disk, change the access password of the mobile storage device, and the like.

In an embodiment of the present technology, the operating system may allow the user under the non-administrator mode to read/write data from/in the mobile storage device, but limit such user to send the device control operation command to the mobile storage device. In order to allow the user under the non-administrator mode to send the device control operation command to a mobile storage device, an embodiment of the present technology provides a method for packing the device control operation command with an identification mark set for the command as a data packet and sending it to the mobile storage device according to the standard write command format. Having received the data packet, the mobile storage device (e.g., the firmware in the mobile storage device) can retrieve the command and perform the corresponding operation according to the command. Thus, an embodiment of the present technology allows the non-administrative user to control the mobile storage device as an administrative user,

and perform corresponding operations. Both administrator and non-administrator can send commands and/or data to the mobile storage device under the operating system, and the user can perform operations for the data stored in the mobile storage device encrypted by the device as for the common data.

As mentioned in the previous response, the Applicant finds that Niiyama provides a system comprising a portable remote terminal and an external unit for supplying data to the portable remote terminal, wherein the external unit can send the commands regarding the rewriting process and the data to the portable remote terminal. The CPU in Niiyama is connected with an address decoder from which the data is written to memory from computer to assign address. After the data is written, the CPU outputs ACK signals. In accordance with an embodiment of the present technology, however, the operation result is sent by the operation system to application for performing as the operation result. In Niiyama, the data transmitted to external unit (computer) is parallel to serial converted signal, and, the data supplied to CPU is serial to parallel converted signal. It is apparent in an embodiment of the present technology that the firmware in the mobile storage device can perform such converted functions so that the serial data can be sent or received directly from the host computer to the mobile storage device via the USB interface.

Assuming arguendo that the object of Niiyama is to rewrite data in a rewritable memory in a portable remote terminal without removing the rewritable memory from the portable remote terminal, the Applicant finds that the object of Niiyama is completely

different from that of an embodiment of the present technology. Moreover, the Applicant does not find Niiyama to mention that the operation program in the terminal unit may limit sending of any command to the portable remote terminal.

Furthermore, assuming arguendo that the object of Terho is to transmit and receive data through a mobile station network by using a data terminal device connected to a digital mobile station via a standard serial port, the Applicant finds that the object of Terho is also different from that of an embodiment of the present technology. In addition, the Applicant finds Terbo to disclose at least one communication port (e.g., serial communication port according to standard RS-232) and a port controller, and the data transmission between the data terminal and the external device should comply with the transmission protocol of the mobile phone network, and the application is responded to the modem to control the operation of the data terminal under the control of the communication controller. However, the mobile storage device in an embodiment of the present technology is connected with the host system via a universal interface (e.g., USB interface, IEEE 1394 interface) (see lines 1-2 of page 6 of the English specification). The Applicant finds that the interface and data transmission between the mobile storage device and the host system in the present technology is completely different from that of Terho. Thus, the Applicant does not find either Niiyama or Terho to teach or suggest the features at issue in new Claim 11.

As noted herein, the Applicant finds Ritter to disclose a communication device such as a mobile phone and a chip card, the application program for reading and writing

data in the memory of the GSM controller. However, the Applicant does not find Ritter to disclose:

A method for a non-administrative user sending commands and/or data restricted to an administrative user along with standard data to a mobile storage device, comprising configuration of an application running in an operating system, said mobile storage device being connected with said operating system via a universal interface,

as claimed (emphasis added), and in Ritter, the program means in order to make transparent data transmission between the contactless interface and the network.

Therefore, the Applicant does not find Ritter to teach or suggest the features at issue in new Claim 11. Indeed, the Applicant also does not find Ritter to realize the object that allows the non-administrative user to control the mobile storage device as an administrative user, and perform corresponding operations, such as password verification or write protect setting command and so on.

With reference now to Nishimura, the Applicant finds Nishimura to disclose a PC connected to a cellular phone, the ROM of the cellular phone is used for storing the application and files, such as boot program, the stored information is uploaded to CPU to rewrite a boot program while preventing a CPU from failing to start, and a selector connected to address and data lines for assigning address. The Applicant finds that the interface between the mobile storage device and the host system in an embodiment of the present technology is completely different from that of Nishimura.

For at least the foregoing additional rationale, the Applicant does not find the cited references, alone or in combination, to teach or suggest the embodiment of new Claim 11. As such, allowance of Claim 11 is respectfully requested.

CONCLUSION

In light of the above-listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-9 overcome the rejections of record. Therefore, allowance of Claims 1-9 is respectfully solicited.

Moreover, based on the arguments presented above, it is respectfully submitted that new Claims 10 and 11 are currently in a condition for allowance. Therefore, allowance of Claims 10 and 11 is respectfully solicited.

Should the Examiner have a question regarding the instant response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below-listed telephone number.

The foregoing notwithstanding, kindly note that the Commissioner is hereby authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is hereby authorized to treat this response as including a petition to extend the time period for response, pursuant to 37 CFR 1.136(a), said petition requesting an extension of time of the number of months available to allow this response to be timely filed, and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

Respectfully submitted,

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